

# R&E

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May 13, 1992

**BY HAND**

Ms. Donna R. Searcy, Secretary  
Federal Communications Commission  
Mass Media Services  
P.O. Box 358170  
Pittsburgh, PA 15251-5170

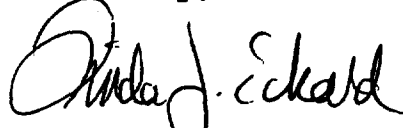
Re: Milford Broadcasting Company  
Milford, Iowa  
File No. BPH-911003MI

Dear Ms. Searcy:

Enclosed for filing are FCC Form 155 and a check for \$6,760 submitted on behalf of the above-referenced applicant for a new FM station to serve Milford, Iowa. This letter, fee form and check are being filed pursuant to a Notice of Acceptance, Report No. NA-157, released March 12, 1992.

If there are any questions, please contact the undersigned counsel.

Sincerely,



Linda J. Eckard

LJE:pd  
Enclosures

LAW OFFICES

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RECEIVED

FEB 28 1992

February 28, 1992

Federal Communications Commission  
Office of the Secretary

Ms. Donna R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street, N.W.--Room 222  
Washington, D.C. 20554

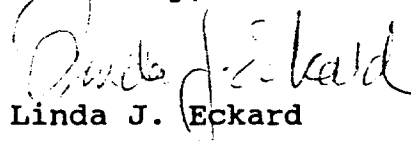
Re: Milford Broadcasting Company  
Milford, Iowa  
File No. BPH-911003MI

Dear Ms. Searcy:

Enclosed for filing are an original and two copies of an amendment to the above-referenced application. This amendment is being filed as a matter of right because it is being filed within 30 days of the date of the Public Notice announcing that the application was accepted for tender (see Report No. 15183, released January 30, 1992).

If there are any questions concerning this amendment, please contact the undersigned counsel.

Sincerely,

  
Linda J. Eckard

LJE:js  
Enclosures

RECEIVED

FEB 28 1992

Federal Communications Commission  
Office of the Secretary

AMENDMENT

The application of Milford Broadcasting Company for a new FM station in Milford, Iowa (BPH-91103MI), is hereby amended as follows:

- 1) The contact person and contact phone number defined on form FCC 301, (Application for Construction Permit for Commercial Broadcast Station), page 1, right side of page, is changed to delete the name, address, and phone number of Kevin Galbraith. Notices and communication should be sent to:

David & Sharyl Potratz  
1012 West 10th Street  
Spencer, Iowa 51301

Telephone (712) 262-7203

- 2) The two attached new pages 3 to Form FCC 301, (Application for Construction Permit for Commercial Broadcast Station), marked "Replacement Pages" and the information contained thereon replaces in their entirety the 2 pages previously filed for Form 301, Section II, item 6.
- 3) The answer to question 7.a of Section II of Form FCC 301, (Application for Construction Permit for Commercial Broadcast Station), is changed to "yes" and exhibit number "II.7.a" is inserted in the Exhibit No. box. The attached Exhibit II.7a is submitted to explain the yes answer to question 7a.
- 4) The information in Exhibit No. II.8.a. to Form FCC 301, (Application for Construction Permit for Commercial Broadcast Station), is replaced by the following language:

"Kevin W. Galbraith & Stanley R. Galbraith are brothers and Sharyl L. Potratz and Nicyle G. Berge are their sisters. David H. Potratz is Sharyl L. Potratz's husband."

- 5) The relationship column in Section III of Form FCC 301, (Application for Construction Permit for Commercial Broadcast Station - page 6), is modified to delete in two places the notation of "Officer" in reference to the relationship between Kevin Galbraith and the applicant. Kevin Galbraith's relationship to the applicant is now as director and shareholder.

- 6) The attached Integration Statement is submitted in response to Section IV-B of Form FCC 301, (Application for Construction Permit for Commercial Broadcast Station).
- 7) The name/title under "Responsibility for Implementation" (on FCC Form 396-A, Broadcast Equal Employment Opportunity Model Program Report, page 2) is changed by replacing the reference to Kevin Galbraith, President with Sharyl Potratz, Program Service & Promotional Director. Sharyl Potratz will be responsible for administration and implementation of our Equal Employment Opportunity Program.
- 8) The applicant will supply auxiliary power sources to the transmitter and studio sites to permit continued operation of the radio station in the event of an interruption of the primary power source.
- 9) The "Determination of No Hazard to Air Navigation"

## Section II - LEGAL QUALIFICATIONS (Page 2)

6. List the applicant, parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

1. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.

2. Citizenship.

3. Office or directorship held.

4. Number of shares or nature of partnership interests.

5. Number of votes.

6. Percentage of votes.

7. Other existing attributable interests in any broadcast station, including the nature and size of such interests.

8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 73.501, including the nature and size of such interests and the positions held.

	Milford Broadcasting Co. RD #1, Box 161 Milford, IA 51351	David H. Potratz 1012 W. 10th Street Spencer, IA 51301	Sharyl L. Potratz 1012 W. 10th Street Spencer, IA 51301
2	Iowa Corporation	U.S.A.	U.S.A.
3	Not applicable	President, Treasurer, Director	Secretary, Director, Vice President
4	2000 Voting Shares	940 Voting Shares (47%)	1020 Voting Shares (51%)
5	2000 Votes (one per voting share)	940	1020
6	2000 Votes Equals 100% of Vote	47%	51%
7	None	None	None
8	None	None	None

## Section 11 - LEGAL QUALIFICATIONS (Page 2) (CONTINUED)

8. List the applicant parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

1. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.

2. Citizenship.

3. Office or directorship held.

4. Number of shares or nature of partnership interests.

5. Number of votes.

6. Percentage of votes.

7. Other existing attributable interests in any broadcast station, including the nature and size of such interests.

8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 73.501, including the nature and size of such interests and the positions held.

	Kevin W. Galbraith 15 Horseshoe Lane Paoli, PA 19301	Stanley R. Galbraith 2935 21st Avenue, North Fort Dodge, IA 50501	Nicyle G. Berge 952 N. 8th Street, West Clear Lake, IA 50428
2	U.S.A.	U.S.A.	U.S.A.
3	Director	Director	Director
4	40 Voting Shares (2%)	None	None
5	40	None	None
6	2%	None	None
7	None	None	None
8	None	None	None

EXHIBIT No. II.7.a

David H. Potratz claims a ten percent (10%) ownership interest in the KJJG FM Radio Station currently broadcasting in Spencer, Iowa (3000 watts, 104.9 MHz).

In a written employment agreement dated September 5, 1987 the owners of the FM broadcasting license for KJJG Radio (3000 watts, 104.9 MHz) in Spencer, Iowa agreed, among other things, to form a corporation to be named KJJG-FM Broadcasting, Inc. Upon entering into the agreement and engaging in employment as Chief Operations Officer, David H. Potratz was to receive ten percent (10%) of the outstanding shares of said corporation.

Although all parties executed the agreement and David H. Potratz worked as Chief Operations Officer of the station from September 5, 1987 through September 16, 1991, Mr. Potratz never received the shares as agreed.

David H. Potratz's employment at KJJG-FM in Spencer, Iowa was terminated on September 16, 1991.

In the event of a grant of this application to Milford Broadcasting Company, David H. Potratz will divest himself of any interest in the KJJG-FM (3000 watt, 104.9 MHz) radio station in Spencer, Iowa, that he may hold at the time the application of Milford Broadcasting Company is granted.

## INTEGRATION STATEMENT

David Potratz and Sharyl Potratz will both be integrated on a full-time basis into the management and operation of Milford Broadcasting Company's proposed FM radio station. David Potratz and Sharyl Potratz own 47% and 51% respectively of Milford Broadcasting Company's voting stock.

Upon award of a construction permit to Milford Broadcasting Company, David Potratz will terminate his current employment and become the full-time General Manager of Milford Broadcasting Company's proposed station. As General Manager, David Potratz will work a minimum of 40 hours per week at the station. Mr. Potratz will be in overall charge of the station's day-to-day operation, including programing, staffing, sales, and finance. He will have final responsibility for developing and implementing all station policies and will oversee the daily performance of the entire staff.

Upon award of a construction permit to Milford Broadcasting Company, Sharyl Potratz will terminate her current employment and work full-time, a minimum of 40 hours per week, as Public Service Director and Promotional Director of the proposed station. As Public Service Director, Mrs. Potratz will continually follow community events and issues. She will ascertain the needs and interests of the community and formulate programing and other station activities to meet those community needs and interests. As Promotional Director, Mrs. Potratz will define and implement programs to promote the proposed station to the public. In addition to her other duties, Mrs. Potratz will be responsible for administration and implementation of the Equal Employment Opportunity Program. In full-filling these roles, Mrs. Potratz will work closely with the General Manager, Program Manager and Sales Manager.

### Local Residence

Milford Broadcasting Company claims qualitative credit for David and Sharyl Potratz' residence within the proposed 3.16 mV/m signal contour of Milford Broadcasting Company's proposed FM station..

David Potratz has lived within the proposed 3.16 mV/m signal contour continuously without interruption since August 1965, more than 26 years.

Sharyl Potratz has lived within the proposed 3.16 mV/m signal contour for nearly 45 years, the last 25 years of which have been continuous without interruption. Specifically Mrs. Potratz has lived within the proposed 3.16 mV/m signal contour



since she was born in 1941, except for a less than 6 year temporary absence from August 1959 until April 1966 when she went to college in Cedar Falls, Iowa, and then lived in Nashua, Iowa.

Sharyl and David Potratz will move to Milford, Iowa if the construction permit is awarded to Milford Broadcasting Company.

#### Civic Involvement

Milford Broadcasting Company claims qualitative credit for the extensive civic activities of David and Sharyl Potratz.

David Potratz has been actively involved in numerous civic activities within the city of license, Milford, Iowa, including, but not limited to:

- participation in city promotions;
- radio play-by-play coverage of numerous Milford sporting events including football, basketball, baseball, wrestling.

- arranging and directing celebrity appearances to raise funds  
for community organizations and personal participation in

- developing and implementing drug and alcohol abuse awareness program, bringing together students and parents for participation;
- developing and implementing student support groups; and
- organizing and directing Spencer community educational display at the Clay County Fair, malls, and at special

Sharyl Potratz has been associated with broadcasting for over 25 years. Her broadcast experience has been acquired through part-time employment at KJJG radio station within the service contour of the proposed station and from active support of her husband's (David Potratz) broadcasting activities. Sharyl Potratz' broadcast experience has included station re-organization, office management, customer relations, public service, programing, and commercial preparation.

Female Gender

Milford Broadcasting Company claims qualitative credit for Sharyl Potratz' female gender.



US Department  
of Transportation  
  
Federal Aviation  
Administration

FEDERAL AVIATION ADMINISTRATION  
ATTN: ACE-530  
601 E. 12th STREET, ROOM 1801  
KANSAS CITY, MO 64106

IN REPLY REFER TO  
AERONAUTICAL STUDY  
NO. 91-ACE-0660-02

## DETERMINATION OF NO HAZARD TO AIR NAVIGATION

<b>SPONSOR</b>	Kevin Galbraith Suite 202 Station Square Three Paoli, PA 19301	<b>CONSTRUCTION LOCATION</b>	
		PLACE NAME	
		Milford, IA	
		LATITUDE	LONGITUDE
		43°20'55"	95°12'40"
<b>CONSTRUCTION PROPOSED</b>	DESCRIPTION FM Broadcast Tower Freq: 102.1 MHz ERP: 50 Kilowatts	HEIGHT (IN FEET)	
		ABOVE GROUND	ABOVE MSL
		521 ft.	1976 ft.

An aeronautical study of the proposed construction described above has been completed under the provisions of Part 77 of the Federal Aviation Regulations. Based on the study it is found that the construction would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the construction would not be a hazard to air navigation provided the following conditions are met:

**Conditions:**

The obstruction be appropriately marked and lighted in accordance with FAA Advisory Circular 70/7460-1R, August 1, 1991, "Obstruction Marking and Lighting," Chapters 3, 4, 5, and 12.

Supplemental notice of construction is required any time the project is abandoned (use the enclosed FAA form), or

- ☒ At least 48 hours before the start of construction (use the enclosed FAA form).
- ☒ Within five days after the construction reaches its greatest height (use the enclosed FAA form)

This determination expires on **July 19, 1992**

unless:

- (a) extended, revised or terminated by the issuing office;
- (b) the construction is subject to the licensing authority of the Federal Communications Commission and an application for a construction permit is made to the FCC on or before the above expiration date. In such case the determination expires on the date prescribed by the FCC for completion of construction, or on the date the FCC denies the application.

**NOTE:** Request for extension of the effective period of this determination must be postmarked or delivered to the issuing office at least 15 days prior to the expiration date.

This determination is subject to review if an interested party files a petition on or before **January 9, 1992**. In the event a petition for review is filed, it should be submitted in triplicate to the Manager, Flight Information and Obstructions Branch, AAT-210, Federal Aviation Administration, Washington, D.C. 20591, and contain a full statement of the basis upon which it is made.

This determination becomes final on **January 19, 1992** unless a petition for review is timely filed, in which case the determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review.

An account of the study findings, aeronautical objections, if any, registered with the FAA during the study, and the basis for the FAA's decision in this matter will be found on the following page(s).

If the structure is subject to the licensing authority of the FCC, a copy of this determination will be sent to that Agency.

This determination, issued in accordance with FAA Part 77, concerns the effect of this proposal on the safe and efficient use of the navigable airspace by aircraft and does not relieve the sponsor of any compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

SIGNED



TITLE **Airspace Specialist**

**Lewis G. Earp**

ISSUED IN

**Kansas City, MO**

ON

**December 11, 1991**

**NARRATIVE**  
**AERONAUTICAL STUDY NO. 91-ACE-0660-OE**  
**MILFORD, IOWA**

**1. LOCATION OF PROPOSED CONSTRUCTION**

The proposed construction is to be located 2.46 nautical miles northwest of Fuller Airport, Milford, Iowa, and 3.92 nautical miles southwest of Spirit Lake Municipal Airport, Spirit Lake, Iowa.

**2. OBSTRUCTION STANDARDS EXCEEDED**

The proposed construction is identified as an obstruction under the standards of Federal Aviation Regulations, Part 77, as follows:

Section 77.23(a)(1): A height more than 500 ft. AGL. Exceeds by 21 ft.

**3. EFFECT ON AERONAUTICAL OPERATIONS**

- a. The impact on arrival, departure, and enroute procedures for aircraft operating under visual flight rules follows:

None. The proposal will be beyond or below airport traffic patterns and known VFR routes.

- b. The impact on arrival, departure, and enroute procedures for aircraft operating under instrument flight rules follows:

No IFR altitudes or procedures will be affected.

- c. The impact on all existing public-use airports and aeronautical facilities follows:

There will be no impact on existing airports or facilities.

- d. The impact on all planned public-use airports and aeronautical facilities follows:

There will be no impact on planned airports or facilities.

- e. The cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures follows:

There will be no cumulative impact.

**4. CIRCULARIZATION AND COMMENTS RECEIVED**

- a. The proposal was circularized to all known affected aviation interests and to nonaeronautical interests that may be affected by the proposal.
- b. Comments. Five letters were received objecting to the construction, the objections are summarized below:

Three of the letters stated that the tower was too near the traffic patterns for Milford Fuller and Spirit Lake Airports. One objection

AERONAUTICAL STUDY NO. 91-ACE-0660-OE  
MILFORD, IOWA

because the tower would be only 60 ft. below the minimum descent altitude for Fuller VOR/DME-A instrument approach. There were two statements about Dickinson County trying to find a location for a new airport.

5. DETERMINATION - NO HAZARD

- a. It is determined the proposed construction would have no substantial adverse effect on the safe and efficient use of navigable airspace by aircraft.
- b. The structure is to be located beyond the traffic pattern for both airports, and beyond the circling approach area for Fuller Airport. If the height of the structure were reduced by 21 ft. it would not be identified as an obstruction under any part of FAR, Part 77, Subpart C. Dickinson County has no plan on file for a new airport. When a plan is submitted, we will consider the airport's imaginary surfaces in our aeronautical studies.

6. CONDITIONS

The obstruction be appropriately marked and lighted in accordance with FAA Advisory Circular 70/7460-1H, August 1, 1991, "Obstruction Marking and Lighting," Chapters 3, 4, 5, and 13. The circular is available free of charge from the Department of Transportation, Subsequent Distribution Section, M-494.3, 400 7th St. SW, Washington, D.C. 20590.

7. LIMITATIONS

This determination does not include temporary construction equipment such as cranes, derricks, etc., which may be used during the actual construction phase of this proposal. Such equipment which has a height greater than the proposed structure and a height which would exceed the notice standards of Part 77 of the Federal Aviation Regulations requires separate notice. If prior notice for temporary construction equipment is required, please complete and submit FAA Form 7460-1.